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Agenda No. 10

07/22/08

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**Re: CONDITIONAL USE PERMIT NO. 200500161-(1)  
FIRST SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the Regional Planning Commission's approval of the above-referenced conditional use permit which proposes the operation and maintenance of a scrap metal recycling facility in the Florence-Firestone community within the Roosevelt Park Zoned District. At the completion of the hearing you indicated an intent to approve the conditional use permit and instructed us to prepare findings and conditions for approval. Enclosed are findings and conditions for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.  
County Counsel

By

LAWRENCE L. HAFETZ  
Principal Deputy County Counsel  
Property Division

APPROVED AND RELEASED:

  
RAYMOND G. FORTNER, JR.  
County Counsel

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Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS  
AND ORDER  
FOR CONDITIONAL USE PERMIT CASE NO. 200500161-(1)**

1. The Board of Supervisors ("Board") of the County of Los Angeles ("County") conducted a duly-noticed public hearing in the matter of Conditional Use Permit Case No. 200500161-(1) ("CUP") on July 22, 2008. The Los Angeles County Regional Planning Commission ("Commission") previously conducted a noticed public hearing on July 11, 2007 and July 18, 2007. The CUP was heard concurrently with Zone Change Case No. 200500015-(1) ("Zone Change").
2. The permittee, Sun-Lite Metals, requests a Zone Change on a 1.115-acre portion of the subject property from M-1 (Light Manufacturing) to M-2-DP (Heavy Manufacturing - Development Program), and also requests a CUP, to authorize the operation and maintenance of a scrap metal recycling facility on a parcel with a total size of 1.47 acres. The 0.355-acre portion of the subject property not subject to the zone change is Zoned M-2, which allows a scrap metal recycling site with a CUP. A CUP is required to administer the -DP (Development Program) designation under the proposed M-2-DP zone. The CUP shall not become effective until the proposed Zone Change is adopted by the Board.
3. The subject property is located at 2213 East Manchester Avenue and 2210-2214 East 85th Street, along Alameda Boulevard, between Manchester Avenue and 85th Street. The subject property is located within an unincorporated portion of the County in the community of Florence-Firestone in the Roosevelt Park Zoned District.
4. The 1.47-acre site is currently developed with an existing scrap metal recycling facility.
5. The subject property is zoned M-1 and M-2. Pursuant to Part 2 of Chapter 22.16 and Part 2 of Chapter 22.40 of the Los Angeles County Code ("County Code"), the permittee requests a Zone Change for the M-1 portion of the subject property to M-2-DP, and also requests a CUP, to authorize the use of a scrap metal recycling facility in the existing M-2 portion and the proposed M-2-DP portion of the site.
6. The surrounding properties are zoned as follows:

North:	M-2;
South:	M-1;
East:	M-2; and
West:	M-2, C-3 (Unlimited Commercial), R-2 (Two-Family Residence).

7. Surrounding land uses within 500 feet include:
  - North: Industrial, auto salvage, scrap metal recycling;
  - South: Industrial, commercial;
  - East: Industrial, scrap metal recycling; and
  - West: Industrial, commercial, single and multi-family residence.
8. Previous zoning cases on the subject property include:
  - A. Plot Plan Case No. 47409, which was approved on September 13, 2001, for the construction of a billboard sign;
  - B. Non-Conforming Review Case No. 85003, which was approved on June 26, 1985, for the operation of a truck dismantling yard and parts sales. Conditions imposed in this case indicate that landscaping was required in the parking area for the site and also along Manchester Avenue. This grant expired on June 26, 2000; and
  - C. Zone Exception Case No. 7343 was approved on September 8, 1964, to authorize the continued operation of an automobile dismantling yard with less than required parking. This grant expired on September 8, 1969.
9. Previous zoning enforcement cases on the subject property include Zoning Enforcement Case No. 060004250, which was filed on February 1, 2006, for the operation of a scrap metal recycling facility without a CUP. The instant requests for a CUP and Zone Change were filed in response to this Zoning Enforcement Case.
10. The subject property is designated Major Industrial (I) under the Los Angeles Countywide General Plan ("General Plan"). Properties designated Major Industrial (I) typically consist of major industrial uses, including manufacturing of all types, mineral extraction uses, refinery uses, warehousing and storage, and product research and development. The intent of this category is to assure that sufficient land is allocated for a wide range of industry and industry-related activities serving both the domestic and export markets, and also to provide jobs for a large portion of the resident labor force. A scrap metal recycling yard is consistent with this designation.
11. Applicable goals and policies under the General Plan include:
  - A. Promoting more intensive use of industrial sites (LU-5, Policy 8); and
  - B. Protecting the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause neighborhood degradation such as excessive noise, noxious fumes, glare, shadowing, and traffic (LU-5, Policy 15).

As evidenced by the 500-foot radius land use maps, surrounding properties to the subject site are developed with industrial uses of similar intensities. The instant scrap metal recycling yard is in an industrial area where the nearest residential use is located approximately 300 feet away; hence, nearby residential neighborhoods will not be negatively impacted by the proposed use. The requested use on the subject property is consistent with the General Plan land use designation and policies.

12. The site plan shows that the existing scrap metal recycling facility is located on the subject parcel. The western half of the parcel will be used for storage and processing. The eastern portion of the parcel contains a 1,400-square-foot office, a 2,800-square-foot garage, covered and uncovered processing areas, 16 parking spaces, and three loading spaces. A shear/baler/logger is proposed for the southwest corner of the property with a size of 80 feet by 20 feet. The subject site is accessed by Manchester Avenue and 85th street. A 12-foot steel corrugated fence and screen encompasses the property. A double-faced billboard sign exists on the northeast corner of the site.
13. The existing facility currently operates between 7:00 a.m. to 3:30 p.m., Monday through Friday, and 7:00 a.m. to 2:00 p.m., on Saturday. It employs 21 persons and utilizes six vehicles, including three roll-off bed trucks, one bobtail truck, and two 40-foot flatbed trucks. The existing use generates approximately 150 vehicle round trips per week for delivery and exportation of materials. The facility processes 27,000 tons of scrap metal annually.
14. Except for fencing and landscaping features discussed further in Finding No. 15 below, the project conforms to the development standards of the Florence-Firestone Community Standards District and the M-2 zone. Any new proposed development on the site shall comply with these standards and all applicable County requirements.
15. During the Commission's July 11, 2007 and July 18, 2007 public hearing sessions, the Commission heard a presentation from staff and testimony from the permittee. A significant issue discussed at these sessions was whether the permittee should comply with current fencing and landscaping requirements or instead whether the permittee could maintain the current non-conforming use standards for fencing and landscaping at the site. After considering the economic hardship to the permittee to fully comply with the current standards, the Commission determined that the permittee will be required only to landscape the existing strip of the site along Manchester Avenue and to provide and maintain street trees along all street frontages of the site to the satisfaction of the Los Angeles County Department of Public Works.
16. On July 18, 2007, after hearing all testimony, the Commission closed the public hearing, granted final approval of the CUP, and recommended approval of the Zone Change to the Board.

17. Pursuant to section 22.60.230(B)(2) of the County Code, because the project approvals included a recommendation by the Commission to the Board on the Zone Change, the CUP was called up for review by the Board with the Zone Change request.
18. The Board conducted a public hearing for the project on July 22, 2008. Only one person testified at the Board's public hearing, the permittee's representative, who briefly explained the basis for the permittee's request.
19. The Board finds that a scrap metal recycling yard is an appropriate use for the subject property and will not conflict with the industrial development on the surrounding properties.
20. The Board finds that a need for the proposed zone classification for the subject property exists within such area or district.
21. The Board finds that the subject property is a proper location for said zone classification within such area or district.
22. The Board finds that the location of the proposed zone will be in the interest of public health, safety, and general welfare, and in conformity with good zoning practice.
23. The Board finds that an Initial Study was prepared for this project in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Board further finds that based on the Initial Study, a Negative Declaration ("ND") is the appropriate environmental documentation for the project in that the Initial Study showed that the project will not have a significant impact on the environment.
24. The Board reviewed and considered the ND and found that it reflects the independent judgment and analysis of the Board. After considering the ND, the Board found that on the basis of the whole record before it, there is no substantial evidence the project will have a significant effect on the environment.
25. Approval of this CUP is conditioned on the permittee's compliance with the attached conditions of approval.
26. The permittee has demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is in conformity with good zoning practice. Compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable General Plan policies.

27. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based is the Los Angeles County Department of Regional Planning, Hall of Records, 13th Floor, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Regional Planning.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:**

- A. That the proposed use with the attached conditions and restrictions will be consistent with the adopted General Plan;
- B. That with the attached conditions and restrictions, the requested uses at the proposed location will not adversely affect the health, peace, comfort, or welfare of people residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other people located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said uses with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such uses would generate, and adequately served by other public or private service facilities as are required.

**THEREFORE, THE BOARD OF SUPERVISORS:**

- 1. Certifies that the ND was completed in compliance with CEQA and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the information contained in the ND, and that the ND reflects the independent judgment and analysis of the Board as to the environmental consequences of the project; indicates that it adopted the ND at the conclusion of its hearing on the project and determined that there is no substantial evidence the project will have a significant effect on the environment; and
- 2. Approves Conditional Use Permit No. 200500161-(1), subject to the attached conditions.

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT NO. 200500161-(1)**

1. This grant authorizes the use of the subject property for a scrap metal recycling facility as depicted on the approved Exhibit "A," subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or entity making use of this grant.
3. This grant shall not be effective for any purpose until:
  - A. The permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept all the conditions of this grant, and that the conditions have been recorded as required by Condition No. 8; until all required monies have been paid pursuant to Condition Nos. 10 and 11; and until the required site and sign plans have been submitted to and approved by Regional Planning pursuant to Condition Nos. 13 and 14; and
  - B. An ordinance changing the zoning of the M-1 portion of the property from M-1 to M-2-DP, as recommended in Zone Change Case No. 200500015-(1), has been adopted by the Los Angeles County Board of Supervisors ("Board") and has become effective.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing, pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- A. If during the litigation process actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
- B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with section 2.170.010 of the Los Angeles County Code ("County Code").

- 6. This grant shall expire unless used within six months from the date of approval. The permittee may request a one-year time extension in writing with payment of the applicable fee at least two months prior to the expiration date.
- 7. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
- 8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded by the property owner or the permittee in the office of the Los Angeles County Registrar-Recorder/County Clerk and a copy of such recorded document shall be provided to the Director of Regional Planning ("Director"). In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
- 9. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
- 10. The permittee shall deposit with the County the sum of \$1,500 within 90 days of the date of approval of this grant. These monies shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred to inspect the premises to determine the permittee's compliance with the conditions of approval. Inspections shall be unannounced. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development



in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150 per inspection, or the current recovery cost at the time of inspection, whichever is greater.

11. The permittee shall remit processing fees in the amount of \$2,550 payable to the County in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the California Public Resources Code and section 711.4 of the California Fish and Game Code to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game.
12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant, pursuant to section 22.56.1780, et seq., of the County Code, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. The permittee shall pay or reimburse the County for all necessary fees associated with such a hearing.
13. The permittee shall submit three copies of an Exhibit "A" similar to the one presented at the public hearing to the Director for review and approval. The subject property shall be developed and maintained in substantial compliance with this approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed revised plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
14. Prior to the installation of any signage on the subject property, the permittee shall submit three copies of a sign plan to the Director for review and approval, depicting the location and size of all signage on the property. Such sign plan shall be in compliance with section 22.44.126-C(6) and Part 10 of Chapter 22.52 of the County Code, and may be incorporated into the Exhibit "A" described in Condition No. 13.
15. The permittee shall submit three copies of a landscape plan to the Director for review and approval which may be incorporated into the approved Exhibit "A," described in Condition No. 13. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. For the life of this grant, all landscaping shall be maintained in a neat, clean, and healthful condition and shall be properly pruned, weeded, cleared of litter, fertilized, and replaced when necessary. The watering facilities shall consist of a permanent water-efficient irrigation system, such as a "bubbler" or drip irrigation system, and shall irrigate all landscaped areas except where turf or other ground cover exists.

16. The permittee shall comply with all applicable requirements of Title 22 of the County Code (the Zoning Ordinance), and of the specific zoning of the subject property, unless specifically modified by this grant as set forth in these conditions or shown on the approved plans for this project.
17. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden ("Fire Department") to determine what infrastructure and equipment may be necessary to protect the property from fire hazard, and shall install and/or provide such infrastructure and equipment within the time period established by the Fire Department.
18. All structures at the site shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works ("Public Works"), the Fire Department, and the Los Angeles County Departments of Health Services and Public Health.
19. The permittee shall obtain all required retroactive approvals or waivers from Public Works for the installation of the shear/baler/logger. A copy of the approvals or waivers shall be submitted to the Director.
20. The permittee shall plant street trees along all of the subject property's street frontages to the satisfaction of Public Works. The permittee shall maintain these trees for a minimum of two years after their planting.
21. All areas of the subject property that are visible to the public, including front yards and sidewalks adjoining the property, shall remain free of trash and other debris, and the permittee shall remove any such trash or other debris from these areas within 24 hours of their appearance.
22. Except for seasonal decorations or signage provided by or for a civic or non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to the use of the property or provide pertinent information about the premises. In the event any such extraneous markings become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, to the color of the adjacent surfaces.
23. The permittee shall be prohibited from using black or similar dark color as the primary or base color for any wall or structure at the site.
24. All materials used at the site shall be stored only within the fenced or walled facility yard.

25. Materials at the site may be stored above the height of the fence or wall surrounding the facility yard, so long as the storage of these materials is at least 10 feet from such fence or wall.
26. All exterior lighting shall be hooded and directed away from neighboring properties to prevent direct illumination and glare. Such exterior lights shall also be turned off within 30 minutes after business hours, except for sensor-activated security lights and/or low level lights along pedestrian walkways leading to and from the parking lot.
27. A minimum of 16 parking spaces shall be provided at the site, with at least one such space being reserved for persons with disabilities, and at least one such space being van-accessible. All compact spaces shall be labeled accordingly. The parking spaces required by this condition shall be continuously available for vehicular parking and shall not be used for storage, automobile repair, or any other use. A minimum of three, Type C, 12-foot x 20-foot loading spaces shall be provided, with a minimum of 14-foot vertical clearance.